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January 8, 2021

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

MEMORANDUM ENDORSED

Re: United States v. Maurice Barnes
15 CR 454 (GHW)


Dear Judge Woods:

Maurice Barnes was scheduled for resentencing on January 20, 2021. Although the Government timely submitted a writ for his production, Mr. Barnes remains incarcerated at the USP Lewisburg in Pennsylvania. The Court has issued an Order directing the parties to confer and write the Court regarding an adjourn date for the resentencing in light of Chief Judge McMahon's recent Standing Order temporarily suspending certain Court operations.

Consistent with the U.S. Constitution, Federal Rules of Criminal Procedure, and Chief Judge McMahon's Third Standing Order dated December 18, 2020 (20MC176), I respectfully request that the anticipated resentencing proceeding under FRCrP Rule 32 be conducted by video teleconferencing, or telephone conferencing if video conferencing is not reasonably available, at a date and time convenient to the Court. The Government has no objection to this request.

Mr. Barnes has already served approximately two-thirds of his total 96 month sentence. The Bureau of Prisons calculates that Mr. Barnes is currently eligible for release on home confinement as early as January, 2022. The Defense is recommending a "time served" sentence for the many reasons set forth in our sentencing submission. Since the Court may agree with the defense recommendation, I respectfully submit that the Court find the resentencing should not be further delayed for any significant period of time without serious harm to the interests of justice. The Defendant consents to appearing remotely, and will execute waiver and consent forms.

Respectfully submitted,



Scott B. Tulman

cc: Samuel Enzer, AUSA

Application granted in part. Counsel for the defendant is directed to submit an appropriate consent form for a remote plea to the Court no later than January 15, 2021. Counsel should be prepared to make a proffer regarding the reasons why the sentencing cannot be further adjourned without serious harm to the interests of justice at the outset of the proceeding. Given the schedule for remote proceedings, the Court may need to change the date and time of the sentencing. But the Court will endeavor to schedule the proceeding for a date and time as close to the currently scheduled date and time as is feasible. The Court will issue a separate order in the event that a change in the schedule is necessary.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 156.

SO ORDERED

January 9, 2021



GREGORY H. WOODS
United States District Judge